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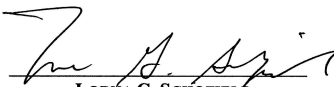
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January 16, 2020

Application GRANTED in part and DENIED in part.

BY ECF

Honorable Lorna G. Schofield
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

The initial conference set for January 21, 2020, at 10:30 A.M. is adjourned to February 27, 2020, at 10:30 A.M. Pre-conference materials are due on February 20, 2020.

Defendant's time to answer or otherwise respond is adjourned to February 21, 2020.

Re: John Rosato v. The City of New York
Docket No. 19-CV-10559 (LGS)

Dated: January 17, 2020

New York, New York

Dear Judge Schofield:

I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, attorney for Defendant City of New York in the above-referenced action. I write in accordance with Your Honor's Individual Rule B(2) to request that Your Honor grant a 45 day extension of time for Defendant to respond to the complaint in this action from January 20, 2020, until March 6, 2020. In addition to extending Defendant's time to answer, Defendant asks that the initial pretrial conference scheduled for January 21, 2020, be rescheduled to a date convenient for this Court following Defendant's response to the Complaint on March 6, 2020. Plaintiff has consented to this request.

I apologize for the delay in filing this request to adjourn the initial pretrial conference. This Court's December 6, 2019 Order listed the initial pretrial conference as scheduled for January 30, 2020 (See ECF Dkt. No. 7), and the parties possessed a good faith belief that the initial pretrial conference and corresponding Joint Letter and Case Management Plan were therefore not due until January 23, 2020. However, the Court's January 15, 2020 order indicates that the conference was scheduled for January 21, 2020, and directed the parties to file a Joint Letter and Case Management Plan no later than January 17, 2020 at 3:00PM. See ECF DKT No. 11.

This is Defendant's first request for an extension of time to respond to the complaint and to adjourn the initial conference.

Plaintiff, a building inspector employed by Department of Buildings, alleges that he was not compensated for time spent returning his work vehicle to the garage following the end of his shift in violation of the FLSA and that Plaintiff was not provided with an accurate wage statement in violation of NYLL § 195(3). This extension will allow Defendant to

adequately investigate Plaintiff's claims and formulate an appropriate response to the Complaint. In particular, Plaintiff's claims implicate Plaintiff's time and attendance records and requests allegedly submitted by Plaintiff to Defendant, and this time will allow Defendant to gather relevant documents to determine the veracity of Plaintiff's claims.

Accordingly, Defendant respectfully requests that its time to respond to the complaint be extended until March 6, 2020, and that the initial pretrial conference be rescheduled for a date convenient for the Court following Defendant's March 6, 2020 response to the Complaint.

Respectfully submitted,

/s/ Nicholas Green

Nicholas Green

Assistant Corporation Counsel

cc: Lawrence Spasojevich (via ECF)
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